

TO: Task Force on Restraint and Seclusion

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RE: Background for Second Meeting – Definitions and Staff Training

I. Introduction

The purpose of this memo is to provide background information for the second meeting of the Task Force on Restraint and Seclusion, which is scheduled for August 2, 2017. The agenda for the second meeting will focus on defining three terms: 1) positive behavioral supports; 2) behavior interventions and strategies plan; and 3) trauma-informed interventions. In addition, the agenda will include consideration of training requirements for school staff regarding behavioral interventions, including the need to individualize behavioral interventions based on a student’s behavioral, medical, and psychological history and disability characteristics, and trauma-informed interventions. As with the first memo, what follows is a summary of current Code of Maryland Regulations (COMAR) provisions that relate to the agenda’s topics.

II. Definitions

While not exactly parallel to the terminology in Senate Bill 786, there are terms already defined in various chapters of COMAR. For comparative purposes, definitions have been included from the State Board of Education regulations as well as the Governor’s Office for Children regulations, which apply to residential child care programs licensed by other agencies, namely the Department of Human Resources (DHR), Department of Health and Mental Hygiene (DHMH), and Department of Juvenile Services (DJS). Additional key terms are in Appendix A.

With regard to positive behavioral supports, the term “positive behavior interventions, strategies, and supports” means the application of affirmative school-wide and individual student specific actions, instruction, and assistance to encourage educational success (COMAR 13A.08.04.02B(12)). In the context of residential child care, that term means a therapeutic intervention that uses a broad range of systematic and individualized strategies for enhancing positive social and emotional results while preventing or reducing challenging behaviors (COMAR 14.31.06.03B(30)).

With regard to behavior interventions and strategies plan, the term “behavior intervention plan” means a proactive plan designed to address problem behaviors exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports (COMAR 13A.08.04.02B(1)). In the context of residential child care, that term means a plan that is based on the functional behavioral assessment, designed to address challenging behaviors through the use of positive behavioral interventions, strategies, and supports, developed by a

human services professional, who has training and expertise in conducting a behavior functional assessment (COMAR 14.31.06.03B(2)).

With regard to trauma-informed interventions, that term is not defined in the State Board of Education regulations. In the context of residential child care, “trauma-informed care” means a person-centered approach which includes assessment, prevention of re-traumatization, and development and implementation of a safe environment plan. It is a system that reduces the risk of exposure, is strengths-based and resilience-focused, promotes respect, and supports cultural and developmental factors (COMAR 14.31.06.03B(43)). Specific examples of how this term is used in the context of the behavioral interventions, strategies, and supports in residential child care can be found in COMAR 14.31.06.15.

III. Staff Training

a. Personnel Applying Restraint or Seclusion

Restraint and seclusion shall only be applied by school personnel who are trained in the appropriate use of restraint and seclusion, consistent with Regulation .06C (COMAR 13A.08.04.05). That regulation requires that each public agency and nonpublic school must provide professional development to designated school personnel on the appropriate implementation of policies and procedures developed to address: (i) a continuum of positive behavioral interventions, strategies, and supports for use by school personnel before restraint or seclusion; (ii) the prevention of self-injurious behaviors; (iii) methods for identifying and defusing potentially dangerous behavior; and (iv) the use of restraint and seclusion (COMAR 13A.08.04.06C(1)).¹

b. Personnel Serving as School-Wide Resource

At the beginning of each school year, each public agency and nonpublic school must also identify school personnel authorized to serve as a school-wide resource to assist in ensuring proper administration of restraint and seclusion (COMAR 13A.08.04.06C(2)). These individuals must receive training in current professionally accepted practices and standards regarding: (i) functional behavior assessment and behavior intervention planning; (ii) restraint and alternatives to restraint; (iii) seclusion; and (iv) symptoms of physical distress and positional asphyxia (COMAR 13A.08.04.06C(3)). The professional development for these individuals must include a written examination and physical demonstration of proficiency in the described skills and competencies (COMAR 13A.08.04.06C(4)).

The regulation does not address the need to individualize behavioral interventions based on a student’s behavioral, medical, and psychological history and disability characteristics, and trauma-informed interventions. So long as the requirements above are met, there is no specific training program that each public agency and nonpublic school must follow.

¹ This chapter also addresses exclusion, but that is beyond the scope of the Task Force. See COMAR 13A.08.04.04.

Appendix A: Additional Definitions

1. **“Functional behavior assessment”** means the systematic process of gathering information to guide the development of an effective and efficient behavior intervention plan for the problem behavior. It includes the: (i) identification of the functions of the problem behavior for the student; (ii) description of the problem behavior exhibited in the educational setting; and (iii) identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time (COMAR 13A.08.04.02B(5)).
2. **“Positive behavioral interventions and support program (PBIS)”** means the research-based, systems approach method adopted by the State Board to: (i) build capacity among school staff to adopt and sustain the use of positive, effective practices to create learning environments where teachers can teach and students can learn; and (ii) improve the link between research-validated practices and the environments in which teaching and learning occur (COMAR 13A.08.06.01B(5)).